

BOARD OF APPEALS CASE NO. 5350

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BEFORE THE

APPLICANT: Kerry Quarto

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ZONING HEARING EXAMINER

**REQUEST: Variance to allow a sunroom addition
within the required 40 foot rear yard setback;
611 Mauser Drive, Bel Air**

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OF HARFORD COUNTY

Hearing Advertised

Aegis: 4/23/03 & 4/30/03

Record: 4/25/03 & 5/2/03

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HEARING DATE: June 11, 2003

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Kerry Quarto, is requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow a sunroom addition within the required 40-foot rear yard setback (34 feet proposed) in an R2/Urban Residential District.

The subject parcel is located at 611 Mauser Drive, Bel Air, MD 21015 and is more particularly identified on Tax Map 49, Grid 1F, Parcel 840, Lot 319. The parcel consists of 12,900 square feet, is zoned R2/Urban residential and is entirely within the Third Election District.

The Applicant, Kerry Quarto, appeared and testified that the Applicant plans to construct a 12-foot by 14-foot single story sunroom to the rear of the existing home. The proposed location leaves the greatest distance to the rear property line and minimizes the necessary variance. Additionally, access will be provided by replacing an existing window with a door from the dining room. The property is a corner lot and subject to two front yards. Because of the configuration of the lot, placement of the house and overall lot size, the rear yard setback is reduced. Both neighbors that adjoin the Applicant's property support the request. The Applicant felt that no adverse impacts would result from the sunroom as it was much like any other sunroom found in Harford County and it would add value to the existing home.

Case No. 5350 – Kerry Quarto

Mr. Anthony McClune appeared as Chief of the Current Planning Division of the department of Planning and Zoning. McClune agreed that the parcel was uniquely configured and further agreed that no adverse impacts would result from a grant of the variance. The reduction in setback is minor in nature and there is a 35 foot easement to the rear of the Applicant's property used by Greenridge Utility Company that provides an additional 35 feet of buffer to the property located to the rear. There is actually more separation between the Applicant's parcel and the closest property to the rear than in most other locations within the R2 district, even after the grant of the variance. The Department recommends approval.

There were no persons that appeared in opposition to the request.

CONCLUSION

The Applicant, Kerry Quarto, is requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow a sunroom addition within the required 40-foot rear yard setback (34 feet proposed) in an R2/Urban Residential District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

For the reasons stated by the Applicant and the Department of Planning and Zoning, the Hearing Examiner finds that the parcel is unique and that the variance will not result in any impact to adjoining properties nor will the purposes of the Code be materially impaired.

Case No. 5350 – Kerry Quarto

The Hearing Examiner recommends approval subject to the Applicant obtaining any and all necessary permits and inspections.

Date JULY 18, 2003

William F. Casey
Zoning Hearing Examiner